

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

RAYMOND ANTHONY SMITH, as
Administrator of the Estate of George Eric
Smith, deceased; and KATHERINE SOULAS,
Executrix of the Estate of Timothy Soulas,
deceased

Plaintiffs,

v.

THE ISLAMIC EMIRATE OF
AFGHANISTAN, et al.

Defendants.

CASE NO. 01-cv-10132-GBD-SN

**STATEMENT OF MATERIAL FACTS PURSUANT TO LOCAL CIVIL RULE 56.1 IN
SUPPORT OF PLAINTIFFS' MOTION TO RENEW AND EXTEND JUDGMENT
AGAINST THE TALIBAN, THE ISLAMIC EMIRATE OF AFGHANISTAN, AND AL
QAEDA/ ISLAMIC ARMY**

Plaintiffs Raymond Anthony Smith, Administrator of the Estate of George Smith, and Katherine Soulas, Executrix of the Estate of Timothy Soulas hereby allege the following material facts as to which there is no genuine issue to be tried:

1. On 7 May 2003, Plaintiffs, Raymond Anthony Smith, Administrator of George Smith Estate, and Katherine Soulas, Executrix of the Timothy Soulas Estate, obtained a verdict [ECF 25] against, *inter alia*, the Taliban in a civil action for damages arising out of the 11 September 2001 terrorist attacks on the United States of America.

2. On 14 July 2003, judgment (#03,1446) [ECF 28] was entered on the docket for Plaintiffs against, *inter alia*, the Taliban, the Islamic Emirate of Afghanistan and Al Qaeda/Islamic Army.

3. On 22 February 2022, the clerk issued a Writ of Execution as to the Taliban.

4. On 30 April 2022, the Honorable Lewis A. Kaplan entered an Order [ECF 48] which extended the Writ of Execution. The Order states: “The Writ of Execution is hereby extended indefinitely, and shall not expire until further order of the Court.”

5. The United States Marshal served the Writ of Execution on the Federal Reserve Bank of New York on 14 March 2022. See Return of Service [ECF 41].

6. Plaintiffs promptly effectuated service of their Writ of Execution after the President of the United States issued an Executive Order on 11 February 2022 (Exec. Order No. 14,064, 87 Fed. Reg 8391) which blocked “all property and interests in property” of Da Afghanistan Bank (DAB) “held in the United States by United States financial institutions,” including the Federal Reserve Bank of New York (FRBNY), and directed the blocked property to be transferred to a consolidated account to be held at the FRBNY.

7. On 18 May 2022 Plaintiffs filed their turnover motion [ECF 62] to obtain the funds held in the Federal Reserve Bank.

8. On 26 August 2022 the Honorable Sarah Netburn issued a Report and Recommendation [ECF 80] that the turnover motions be denied.

9. The judgement-creditors filed Objections [ECF 87] to the Report and Recommendation on 10 November 2022.

10. The turnover motion was denied by the Honorable George B. Daniels on 21 February 2023 [ECF 101]. Accordingly, Plaintiffs have not been able to satisfy the judgment obtained against the Taliban.

11. The judgment docketed 14 July 2003 is the original judgment in this action.

12. At least ten (10) years have passed since the docketing of the 14 July 2003 judgment [ECF 28].

13. The Taliban, the Islamic Emirate of Afghanistan, and Al-Qaeda/Islamic Army are judgment debtors.

14. No part of the judgment has ever been paid or satisfied by the Defendants.

Respectfully submitted,

THE BEASLEY FIRM, LLC

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